

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

March 29, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Ed Lee of the Mt. Olive Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FRANCISCO VARGAS DAY" – Councilmember Sterling

Proclamation of "TERANCE FRAZIER AND STEVE HOSEY DAY" (Mid State Plaza) – Councilmember Boyajian

Proclamation of "NATIONAL AGRICULTURE DAY" – Mayor Autry

Proclamation of "DENNIS DELIDDO DAY" – Council President Dages

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 15, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 9:30 a.m.)

- A. Approve the addition to the Finance Department/Treasury Section of two (2) permanent positions for collecting past due housing loans and Citywide accounts receivable – Finance Dept.
1. * **RESOLUTION** – 67th amendment to AAR No. 2004-209 appropriating \$80,000 for the purpose of funding the addition of two (2) positions in the Finance Department for the remainder of fiscal year 2005 **(Requires 5 affirmative votes)**
Action Taken:
 2. * **RESOLUTION** – 20th amendment to PAR No. 2004-210 adding two (2) positions in the Finance Department for the remainder of fiscal year 2005 to collect past due housing loans and Citywide accounts receivable
Action Taken:
- B. Approval of Reciprocal Agreement between the City of Fresno and Robert Rosa Minas, et al., for the construction and maintenance of the Linden Avenue parking lot in the Tower District – Public Works Dept.
Action Taken:
- C. **RESOLUTION** - Dedicating certain City-owned property for public street purposes, located at Marks Avenue from Belmont Avenue to approximately 600 feet south of Whitesbridge Avenue – Public Works Dept.
Action Taken:
- D. Approve the acquisition of street easements from APNs 328-150-10 and 479-270-21 for improvements to Elm Avenue between Jensen and North Avenues – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. Authorize the acceptance of fiscal year 2005 grant funds from the State of California Office of Traffic Safety – Police Department
Action Taken:
1. * **RESOLUTION** - 68th amendment to AAR No. 2004-209 appropriating \$89,400 for the Fresno Police Department's California Seat Belt Compliance Campaign grant **(Requires 5 affirmative votes)**
Action Taken:
- F. **RESOLUTION** – Declaring an urgent necessity for the preservation of life, health or property, waiving advertised competitive bidding requirements, and authorizing the Public Works Director to contract for the replacement of a portion of the 14-inch Church Avenue transmission grid water main – Dept. of Public Utilities
Action Taken:
- G. **RESOLUTION** - Authorizing acceptance of the fiscal year 2005 Weed and Seed Grant Program pass through funding of up to \$87,391 from the United Way of Fresno County and execution of program documents – Police Dept.
Action Taken:
1. * **RESOLUTION** - 66th amendment to AAR No. 2004-209 appropriating \$43,800 for the United Way of Fresno County Southwest District Weed and Seed Program **(Requires 5 affirmative votes)**
Action Taken:
- H. * **RESOLUTION** – 62nd amendment to AAR No. 2004-209 appropriating \$1,141,900 in the Police Department's fiscal year 2005 budget for booking fees from the State of California **(Requires 5 affirmative votes)** – Police Department
Action Taken:
- I. * Extend an interim requirements contract to West Coast Arborist, Inc. of Anaheim, CA for maintenance of municipal trees – General Services Dept./Public Works Dept.
Action Taken:
- J. * Award a requirements contract to Selma Enterprise of Selma, CA for Fresno Area Express (FAX) schedule guides – General Services Dept./Dept. of Transportation
Action Taken:
- K. * Award a contract to American Paving Company of Fresno, CA for MacMichael Trail improvements at Woodward, Park – General Services Dept./Public Works Dept./ PR&CS
Action Taken:
- L. **RESOLUTION** – Approving the reallocation of \$571,300 in Parks, Recreation and Community Services capital funds to complete funding needed for a contract to provide facilities upgrades at Nielsen Park – General Services Dept./PR&CS
Action Taken:
1. * Award a contract in the amount of \$918,720.50 to American Paving Co of Fresno, CA for youth baseball complex at Nielsen Park, base bid only
Action Taken:
- M. * Award a contract to M.J. Menefee Construction of Selma, CA for Herndon Avenue widening, Marks to West Avenue – General Services Dept./Public Works Dept.
Action Taken:
- N. * **RESOLUTION** – 21st Amendment to PAR No. 2004-210 adding eight (8) Fire Prevention Inspector I/II positions to the department beginning March 29, 2005 through June 30, 2005 – Fire Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. Approve renewal of an addendum to Lease Agreement between the City of Fresno and Comprehensive Youth Services (CYS) – PR&CS
Action Taken:
- P. * **RESOLUTION** - 70th amendment to AAR No. 2004-209 appropriating \$50,000 in grant funds secured by the Fresno Unified School District from the National Science Foundation to conduct Community Science Nights **(Requires 5 affirmative votes)** – PR&CS
Action Taken:
- Q. * **RESOLUTION** - 22nd amendment to PAR No. 2004-210 adding two (2) Water System Operator II positions - Dept. of Public Utilities
Action Taken:
- R. * **RESOLUTION** – Authorizing a joint application for and acceptance of FY 2005 Byrne Justice Assistance Grant (JAG) for \$556,910 and allocation of funding through inter-local agreement with the County of Fresno and the execution of any related documents – Police Dept.
Action Taken:
- S. * **BILL NO. B-23 (Intro. 2/15/2005) (For adoption)** - Adopting the 2005 Weed Abatement Program
Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

- A. Request staff to research and report to Council on possible value of establishing in-house medical clinic for City of Fresno employees – Councilmember Calhoun
Action Taken:
- B. Report on marketing plan and package for Roeding Business Park – Councilmember Westerlund
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. Approve the naming of two Parks and Recreation facilities – PR&CS

Action Taken:

1. Approve naming of field at Nielsen Park as “Andrew Mitchell Field”
2. Approve the naming of the new Belmont and Sunnyside Park in honor of Al Radka – Council President Dages

Action Taken:

9:30 A.M. **CONTESTED CONSENT CALENDAR**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:45 A.M.** Direction to staff regarding in lieu charges – Council President Dages
1. Direct City Attorney to not file an appeal in the case pertaining to Howard Jarvis Taxpayers Association v. City of Fresno
Action Taken:
 2. Direct staff to refund utility in lieu fees in the amount equal to one-year's payments through a credit on customer's bi-monthly bills
Action Taken:
- 10:00 A.M.** **HEARING** to consider Rezone Application No. R-04-58, and environmental findings, filed by Gretchen Freedman, pertaining to 0.13 acre of property located on the northwest corner of N. Wishon and E. Princeton Avenues (2811 N. Wishon Avenue) **(Property located in District 1)** - Planning and Development Dept.
Action Taken:
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-04-18/R-04-58/V-04-18
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-5 (*General Commercial*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district
Action Taken:
- 10:15 A.M.** **HEARING** to adopt a resolution to create the boundaries of Residential Parking District #9, located on the west side of Glenn between McKinley and Home Avenues – Public Works Dept. - **(Property located in District 1)**
Action Taken:
- a. **RESOLUTION** - Creating residential permit Parking District #9
Action Taken:
- 10:30 A.M.** **HEARING** to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes and temporary construction easements from the following parcel of real property located at the intersection of First and Tulare Streets in the City of Fresno: APN 468-390-44S owned by SSBI Canyon Crest Condominiums, L.P. – Planning and Development Dept.
Action Taken:
- a. * **RESOLUTION** – Determining that public interest and necessity require acquisition of permanent easements and rights-of-way and temporary construction easements for public purposes over, under, through and across real properties for the construction of the First Street and Tulare Avenue widening project street purposes and temporary construction easements from real property located at the intersection of First and Tulare Streets in the City of Fresno, APN 468-390-44s. **(Requires 5 affirmative votes) (Property located in Districts 3, 5, and 7)**
Action Taken:
- 10:45 A.M.** **HEARING** to consider Rezone Application No. R-04-47, and environmental findings, filed by Richard and Lynda Gibbs, pertaining to 0.40 acre of property located on the east side of N. Eighth Street between E. Olive and E. Tyler Avenues **(Property located in District 7)** – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-04-47/S-04-192, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:50 A.M. **HEARING** to consider Rezone Application No. R-04-95, and environmental findings, filed by Donald W. Sims, pertaining to 0.15 acre of property located on the southwest corner of E. Whites Bridge Avenue and S. Plumas Street **(Property located in District 3)** (Planning and Development Dept.)

Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-95, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

b. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-6 (*Heavy Commercial*) zone district to the R-2-A (*Low Density Multiple Family Residential, one story*) zone district

Action Taken:

10:55 A.M. **HEARING** to consider Rezone Application No. R-04-50, and environmental findings, filed by Paul H. Stommel, pertaining to approximately 0.73 acre of property located on the west side of N. Mariposa Street between E. Shaw and E. Keats Avenues (5067 N. Mariposa Street) **(Property located in District 4)** (Planning and Development Dept.)

Action Taken:

a. Consider and adopt Environmental Assessment No. R-04-50/S-04-88, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

b. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-P (*Administrative and Professional Office/conditions of zoning*) zone district to the C-P/cz (*Administrative and Professional Office/conditions of zoning*) zone district to remove certain conditions of zoning affecting the subject site

Action Taken:

11:00 A.M.#1 **CLOSED SESSION**

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Jon Ruiz and Ruth F. Quinto

Employee Organization(s):

1. Fresno Police Officers Association (FPOA Management Unit)
2. Fresno Police Officers Association (FPOA Non-Supervisory Police)
3. Airport Public Safety Officers
4. Airport Public Safety Supervisors
5. Amalgamated Transit Union (ATU) Local 1027
6. Fresno City Employees' Association (FCEA)
7. International Association of Firefighters (IAFF Management)
8. International Association of Firefighters (IAFF Non-Management) Local 753
9. International Union of Operating Engineers, Stationary Engineers Local 39
10. City of Fresno Professional Employees' Association (CFPEA)
11. City of Fresno Management Employees' Association (CFMEA)
12. International Brotherhood of Electrical Workers, Local 100 (IBEW)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Howard Jarvis Taxpayers Association v. City of Fresno

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision(c)

1. **Case Name:** City of Fresno v. Henry Young

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M.#1 **CLOSED SESSION CONTINUED**

- D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Government Code
Section 54956.9, subdivision (b)
1. **Case Name:** Claim of Alert-O-Lite

11:00 A.M.#2 **CLOSED SESSION OF THE REDEVELOPMENT AGENCY**

- E. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT** - Government Code Section 54957
Title: Appointment of Executive Director – Councilmember Calhoun
Action Taken:

11:00 A.M.#3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

SCHEDULED COUNCIL HEARINGS AND MATTERS

April	5 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 90, Final Tract Map No. 5284
April	5 -	10:15 A.M.	HEARING to consider the adoption of a resolution vacating a portion of N. Forkner Avenue, south of W. Herndon Avenue and reserve a public utility easement over a portion of the area to be vacated
April	5 -	2:30 P.M.	WORKSHOP Infrastructure Requirements for Entitlement Applications – Public Works Dept and Planning and Development Dept. of the area to be vacated
April	5 -	3:00 P.M.	HEARING for 8 rezone applications – Planning and Development Dept.
April	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
April	12 -	2:00 P.M.	Team Clean Air presentation – Councilmember Calhoun
April	19 -	9:30 A.M.	Presentation by the Fresno County Transportation Authority Advocates Office on the education of Measure “C”, 1986 through the present time – Public Works Dept.
April	19 -	10:00 A.M.	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Council President Dages
April	19 -	10:30 A.M.	HEARING re: CFD No. 2, Annexation No. 88, Final Tract Map No. 5224
April	19 -	10:35 A.M.	HEARING to consider information concerning the proposed Issuance of Industrial development Bonds by the California Statewide Communities Development Authority to finance the construction of tempering and drip-dry rooms for the improvement and equipping of Busseto Foods, Inc.
April	19 -	10:45 A.M.	HEARING to amend the MFS Resolution re: drainage fee update – Public Works Dept.
April	19 -	4:30 P.M.	CONTINUED HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
April	26 -	NO MEETING	– COUNCIL BREAK
May	3 -	10:00 A.M.	Presentation of Employee Service Awards (Reception immediately following – 2 nd floor foyer)
May	3 -	9:45 A.M.	Draft 2006-2010 Consolidated Plan.

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest